

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

RANDY HOWARD and)
TRISHA HOWARD,)
)
Plaintiffs,)
)
v.) CASE NO.: 09-542
)
EMC MORTGAGE CORPORATION,)
)
Defendant.)

**MOTION TO DISMISS EMC MORTGAGE CORPORATION
WITHOUT PREJUDICE**

COME NOW the Plaintiffs, Darlene Randy Howard and Trisha Howard, and respectfully move the court for the dismissal of Defendant, EMC Mortgage Corporation without prejudice.

Executed as of the 8th day of March, 2010.

/s/ Earl P. Underwood, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on March 8th 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Earl P. Underwood, Jr.
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